

REMARKS

The Office Action mailed 13 June 2003, has been received and its contents carefully noted. Claims 32, 33, and 49-56 were pending. Claims 32 and 33 were rejected and claims 49-56 were objected to. By this amendment, claims 49, 52, and 54 have been amended and claim 57 has been added. Support may be found in the specification and claims as originally filed. No statutory new matter has been added. Reconsideration is respectfully requested.

Rejection under 35 U.S.C. 103(a)

The Examiner rejected claims 32 and 33 as being unpatentable under 35 U.S.C. 103(a) over Cusic J.W. (U.S. Patent No. 2,687,414 “‘414 patent”). Specifically, the Examiner deemed that the ‘414 patent teaches a compound that is structurally similar to that claimed and that it would have been obvious to one of ordinary skill in the art to modify the compound in order to obtain an improved antimalarial.

Applicants respectfully point out that the claimed compounds are “chemosensitizing” agents rather than “antimalarial” compounds. A “chemosensitizing” agent helps resensitize an organism or cell to a given drug or compound. As explained in the specification, the chemosensitizing agents of the present invention help overcome multidrug resistance to antimalarial compounds. Nowhere in the ‘414 patent is it disclosed that the compounds or structurally similar compounds exhibit chemosensitizing activity. Therefore, Applicants respectfully submit that there is no motivation to modify the compounds of the ‘414 patent in order to obtain the compound of the present invention which exhibits chemosensitizing activity against multidrug (antimalarial) resistance. Thus, the rejection under 35 U.S.C. 103(a) should properly be withdrawn.

Allowable Subject Matter

The Examiner noted that claims 49-56 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have amended the claims and added new claim 57 as suggested by the Examiner. Therefore, claims 49-57 should be allowed.

Request for Interview

Applicants respectfully request either a telephonic or an in-person interview should there be any remaining issues.

Extension of Time

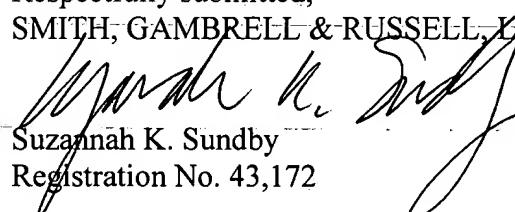
A Petition for an Extension of Time for one (1) month under 37 C.F.R 1.136 and the appropriate fee are submitted herewith to extend the time for responding to the Official Action to 13 October 2003.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 210-380, referencing Attorney Docket No. 034047.008US (01-06).

Respectfully submitted,
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